

**GPZ-2-2009**

**Ensign Engineering**

**4085 South 4000 West**

**General Plan change from non-retail commercial to neighborhood commercial**

**Zone Change from RM to C-1**

**0.72 Acres**

Ensign Engineering has submitted a General Plan/zone change application for a 0.72 acre parcel located at 4085 South 4000 West. The property is currently zoned RM (residential, multi-family) with a General Plan designation of non-retail commercial. The RM Zoning on this property was in place at the time the City incorporated in 1980. The proposed zone is C-1 (neighborhood commercial) and the proposed General Plan designation is neighborhood commercial.

Surrounding zones include RM to the north and south, RB (residential business) to the east and C-1 to the west. Surrounding land uses include a single family home and townhomes to the south, a convenience store to the west, a single family home to the north and a doctor's office to the east.

The existing 2,459 square foot building on the property was built in 1951 as a single family dwelling. In 1975, the building was converted to commercial use and has been used for a credit union and a preschool/daycare center. In 2008, the Planning Commission approved a conditional use permit for SG Tax Service to provide commercial bookkeeping services. However, the applicants did not follow through with the application and a business license was never obtained. Due to the poor condition of the property, the conditional use permit included a long list of conditions related to the repair and enhancement of the property. At present, the building is boarded up.

Attached to this report is a letter from Cameron Duncan with Ensign Engineering stating why he believes this application should be approved. If this application is approved, the property owners intent to demolish the existing building and construct a new strip mall. A copy of the concept plan is attached. The property owners have two potential tenants in mind – a tax service and a Tongan grocery store. The proposed use would be reviewed as a conditional use in the C-1 Zone.

The C-1 Zone includes a maximum district size of 7 acres. The intent of this restriction is to prevent what is intended to be a neighborhood commercial area from growing to the point where it no longer serves just the neighborhood. The amount of existing C-1 zoned property at this intersection is 6.45 acres. Including the subject property in the total would yield 7.17 acres. However, the C-1 Zone also states: "The maximum district size of a Neighborhood Commercial Zone may be increased if the Planning Commission determines that a specific development meets the intent and purpose of the C-1 zone, as outlined in Section 7-6-1001(1)." Section 7-6-1001(1) states:

“(1) Neighborhood Commercial C-1:

- a. The Neighborhood Commercial Zone is established to provide locations for convenience shopping facilities which serve a neighborhood-oriented market. Such shopping facilities would supply necessities which usually require frequent purchasing with a minimum of consumer travel.
- b. Neighborhood Commercial Zones shall be located so that their distribution pattern throughout the City reflects their neighborhood orientation. Such zones shall not be so large or broad in scope of services as to attract substantial trade from outside the neighborhood. These zones shall not be located in close proximity to any other commercial zone.
- c. Neighborhood commercial uses shall be encouraged to develop in compact centers reflecting unified designs that are architecturally compatible in terms of scale with the neighborhood in which they are located. They should be designed as an integral,

homogeneous component of the neighborhood, oriented to pedestrian traffic, as well as vehicular traffic. Site selection development and uses for Neighborhood Commercial Zones shall take into account potential impacts on surrounding residential uses and measures shall be taken to minimize these impacts.”

Staff believes the C-1 Zone at this location would be appropriate for the following reasons:

1. The property has had commercial uses in the past.
2. The property is within walking distance of the neighborhood.
3. Two of the other three corners of the intersection already have commercial use.
4. Changing the zoning would help spur reinvestment in the property which is certainly needed.
5. The intent of the General Plan is to keep the nature of 4100 South as a predominantly residential street with the exception of major intersections where commercial uses are appropriate. This location is a major intersection.

**Staff Alternatives:**

1. Approval of the General Plan/zone change.
2. Continuance, for reasons determined during the public hearing.
3. Denial, there is already enough neighborhood commercial at this intersection.

**Applicant:**

Cameron Duncan  
90 E. Fort Union Blvd.

**Discussion:** Steve Pastorik presented the application. Cameron Duncan, the applicant, stated that the site is in need of a lot of improvements and the existing building isn't worth investing into. His client would like to re-zone the site and construct a bigger building. Joe Garcia asked if there is adequate funding available to complete the project if the existing site and building are demolished. Mr. Duncan replied that funding will be provided from a bank and the project would be phased if necessary.

Barbara Thomas stated that she is concerned with changing this zone and connecting it to the parcel to the west. She indicated that she doesn't feel the zoning is consistent in this area. Brent Fuller stated that he is uncomfortable changing a zone without knowing the type of business that could potentially show up. He indicated that he would not like a gas station on this corner because he feels that would be more disruptive to neighbors. Commissioner Fuller added that he wouldn't want this project to revert back to the original at any time in the future. Steve replied that this wouldn't be possible without an application for another zone change process. Harold Woodruff asked what the C-1 zone allows. Steve provided a list of possible business options for this area. Phil Conder commented that he feels fine with all the options listed. Commissioner Thomas stated that she feels it's important to ensure this area maintains a residential feel. Commissioner Conder stated that he doesn't believe the area has a residential feel as it is right now. Commissioner Thomas replied that adding a strip mall won't preserve anything for the people living to the east and north. Steve suggested that requiring residential architecture, such as a pitched roof and parking to the side and rear of the building, could help preserve the neighborhood feel. Commissioner Thomas asked if design standards will be dealt with at the conditional use stage. Steve replied that some businesses could be a permitted use which would not go to the Planning Commission or City Council. He indicated that a development agreement could be tied to this application that would require residential architectural features as well as

parking to the rear and side of the building. Commissioner Conder asked if the development agreement runs with the land. Steve replied yes but added that it can be modified or removed in the future at the discretion of the City Council if the applicant requests as the area changes over time.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Thomas moved for approval subject to a development agreement that specifies that the building shall have architectural features similar to those of a residence such as a pitched roof and that the parking be to the north or to the east of the building.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

**Unanimous –GPZ-2-2009 – Approved**